



Just Short of Singapore

Posted by [Pierluigi Oliverio](#) on Monday, October 05, 2009

At the Rules Committee last week, there was a proposal to amend the Graffiti Abatement Ordinance for juvenile offenders.

When someone gets arrested for doing graffiti in San Jose or other cities in Santa Clara county they are punished via the County court system. However cities do have a municipal code where offenders may pay a fine. State law does an adequate job of prosecuting adult graffiti offenders, however, some would say not such a good job of dealing with juveniles, since county probation does not want to spend the resources to supervise their community service work.

The proposal at Rules is asking that minors who are convicted of doing graffiti perform 24 hours of community service work which might include removing their own graffiti and other activities. The memo also states that the minor could pay a \$500 fine in lieu of the community service, and if the juvenile could not pay the parents would be liable. The city of San Jose currently spends \$2 million a year removing graffiti.

This might sound like a step in the right direction, but I'm not sure it's enough. A couple of downtown residents spoke at the Rules committee and said they want more punitive measures against these vandals of private and public property. I agree with the speakers. We should raise the community service hours and the fine to the highest amount allowed by state law. We may choose collectively to not be as punitive toward graffiti vandals as Singapore—but a higher penalty would help discourage the vandalism that is rampant throughout our city.

As far as an inexpensive way of doing community service, we might assign neighborhoods where the juvenile would pick up trash continuously. Or assign them to areas where they have to paint out graffiti. However, this could be problematic if they are removing a gang tag and the gang members might retaliate against them. It is unlikely gang members would retaliate against city employees doing

their job painting out graffiti. Therefore maybe the offenders should accompany our city employees and be put to work if possible under Workers Compensation rules.

Another option would be to have the juvenile report to a park and be instructed by a city gardener to pull out all the weeds out of a large park. Then the gardener would check at the end of the day and if the work was not done the offender would not get signed off. We need to find an inexpensive way of managing juvenile offender community service while managing our risk of lawsuits if they got hurt. So lets minimize our risk and not assign them to freeways and expressways but keep them in the neighborhood. I would imagine the hours of punishment would need to be more like 250 hours, or again whatever is the maximum allowed by state law.

This topic will be addressed in the Mayors Gang Task Force and will come back to Rules and eventually to Council in a few months. There are many legal and jurisdictional questions that must be answered by the city attorney, county court system and state law so thus the delay.

What do you think is the appropriate level of punishment? Or do you think they are artists and should be allowed to express themselves? What type of a punitive community service system would you suggest/design that would be inexpensive to administer and would be an easy option for a judge to assign the offender to this system?

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